



**DEPARTMENT OF THE ARMY**  
**HEADQUARTERS, UNITED STATES ARMY, EUROPE, AND SEVENTH ARMY**  
**OFFICE OF THE DEPUTY CHIEF OF STAFF, PERSONNEL**  
**UNIT 29351**  
**APO AE 09014**

AEAGA-DOCPER (690-3G)

17 OCT 2001

**MEMORANDUM OF INSTRUCTION**

**SUBJECT: Memorandum of Instruction (MOI) – Contract Notification and Troop Care Status Accreditation (TCSA)/Technical Expert Status Accreditation (TESA)/Analytical Support Status Accreditation (ASSA) Procedures**

1. This memorandum provides guidance concerning requests for TCSA, TESA and ASSA, and supersedes all previous memoranda of instruction issued by this headquarters on this subject.<sup>1</sup>
2. Two bilateral Exchanges of Notes between the Governments of the United States of America and the Federal Republic of Germany were executed on 27 March 1998. A third Exchange of Notes was executed on 29 June 2001. These Notes implement Article 72 and Article 73 of the North Atlantic Treaty Organization (NATO) Status of Forces Agreement Supplementary Agreement (SOFA SA), and are the basis for this MOI.
3. TCSA/ASSA will be granted to Department of Defense (DoD) contractor employees who meet the criteria set forth in the Exchanges of Notes for Article 72. TESA will be granted to DoD contractor employees who meet the criteria set forth in the Exchange of Notes for Article 73.
4. General:
  - a. DoD Executive Agent: The DoD Contractor Personnel Office (DOCPER), located within Headquarters, United States Army, Europe, and 7<sup>th</sup> Army, Office of the Deputy Chief of Staff, Personnel and Installation Management (HQ USAREUR/7A - ODCSPIM), has been designated as the DoD Executive Agent to administer the accreditation program for contracts and contractor employees for Military Services and defense agencies. Accordingly, questions, submissions or other issues related to this program will be referred to DOCPER.
  - b. Bilateral Process: The Exchanges of Notes implementing Articles 72 and 73 of the NATO SOFA SA establish a bilateral approval process for granting TCSA, TESA or ASSA. Contracts proposing the use of accredited personnel and TCSA/TESA/ASSA applications for such personnel from all DoD components are received and reviewed by DOCPER, which applies the criteria under the Exchanges of Notes. If determined by DOCPER to meet the criteria, the contracts/applications are forwarded to the responsible German authorities for approval. Approval from the responsible German authorities is required for contracts and applications before personnel proposed for accreditation can commence work.

<sup>1</sup> This MOI represents official policy, and succeeds the predecessor MOI, dated 15 Aug 2000. This MOI and additional advisory information are available on the DOCPER website at <http://www.chrma.hqusareur.army.mil/docper>. KOs, CORs and contractors are encouraged to use the website for updates and guidance.

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c. Role of the Contracting Officer's Representative (COR): DOCPER deals directly with CORs on all matters described in this MOI. DOCPER recommends that the Contracting Officer (KO) appoint an in-country COR or point of contact (POC) to handle administrative responsibilities for Troop Care (TC), Technical Expert (TE) and/or Analytical Support (AS) issues. Each COR must have an appointment letter on file with DOCPER before contracts and applications can be accepted for processing. The COR must ensure completeness of packages, ensure applicants meet job requirements, prevent fraud, notify DOCPER and 1<sup>st</sup> PERSCOM of employee terminations, and turn-in contractor ID cards to local ID card facilities when necessary.

d. Completeness of Packages: Contract notification packages and individual applications received with incomplete information or that do not meet TC/TE/AS requirements will be returned to the COR. Contracts may be resubmitted when complete or substantially changed information becomes available.

## 5. Contract Notification for "Technical Expert" Contracts:

### a. New Contracts and Indefinite Delivery Type Contracts with Delivery/Task Orders:

(1) New Contracts: The term "new" contract includes any contract, newly-awarded or existing, that has not been used in Germany previously, thus requiring notification to and coordination with the responsible German authorities. New contracts exclude those contracts in use in Germany at the time of the "Bottom-Up Review" (BUR) (see discussion in 5.a.(2) below). New contracts include follow-on or successor contracts, even if awarded to the same company with the same statement of work and job descriptions. To initiate the contract notification process, the KO or COR completes the Contract Notification Form (Enclosure 1). The form can also be found at the DOCPER website under Forms. This form must be submitted to DOCPER as early as possible during the acquisition process, but no later than contract award. The form must also be provided as an MS Word document on a 3.5" diskette or CD-ROM accompanying the complete contract notification package. Enclosures must include all parts of the contract relevant to contract performance in Germany (Performance Work Statement, Skill Classifications, Job Descriptions with qualification requirements, and wage/salary categories)(i.e., under Uniform Contract Format, Sections A, B, C, F, G, H and J, plus applicable attachments and enclosures, if appropriate). If wage or salary information is not part of the contract, a salary range should be noted on the contract notification form. DOCPER requires the contract notification form and all enclosures in hardcopy duplicate plus an additional copy for each German state where contract performance is expected. NOTE: Electronic submission via disk/CD-ROM (or e-mail to docper@chrma.hqusareur.army.mil) of the completed contract notification form and relevant portions of the contract (e.g., those identified above) is acceptable. Due to system limitations, all attachments to any one e-mail must be kept to 5 MB or below.

(2) BUR Contracts: The term "BUR contract" includes any contract under which TEs were working at the time of the signing of the Exchange of Notes implementing Article 73 of the NATO SOFA SA (27 March 1998). The Exchange of Notes required the US Forces to conduct a "Bottom-Up Review" of all individuals previously treated as technical experts. Contracts pre-existing the BUR, however, did not require review (notification) of the German authorities. But when option years are exercised or modifications made to these contracts, information

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describing the contract, options and modifications is required to be submitted to the German authorities. See 5.c.(2), below.

(3) Indefinite Delivery Type (IDT) Contracts: Contract notification procedures as described in paragraph 5.a.(1) must also be used for each individual delivery or task order awarded under IDT contracts, whether the applicable contract is a Defense or non-Defense contract vehicle, new or BUR contract. The KO or COR must submit a copy of the relevant contract sections as identified in paragraph 5.a.(1) above as well as a copy of the individual delivery or task order.

b. Solicitations: When a contract has not yet been awarded, the contract notification process can be initiated with the submission of the solicitation. While the process is similar to the contract notification process described above, it is understood that the level of information provided will be of a more general nature. After contract award, the KO or COR submits the relevant portions of the awarded contract to DOCPER, identifying the pertinent portions of the solicitation that were changed when incorporated into contract award. It may also be necessary to provide explanatory notes regarding discrepancies and ambiguities, especially in the area of staffing. Due to the uncertainties associated with both competitive and non-competitive solicitations, advance coordination with DOCPER is recommended prior to submission. For successor contracts to contracts under which TESA had been granted previously, it is useful to include a document that "maps" the job titles or positions of the successor contract to previously-approved TE positions on the predecessor contract.

c. Option Exercises:

(1) New contracts: A copy of a notice of intent (signed by the KO) to exercise an option should be forwarded to DOCPER concurrently with the notification to the contractor in order to expedite the required notification process. A template for the KO Letter of Intent to Exercise Option can be found at the DOCPER website under Forms. Whether or not the notice of intent is provided, a copy of the contract modification must be forwarded to DOCPER. The term of the option should also be clearly indicated. Although individuals continuing to work under the contract do not need to resubmit applications, renewal of Individual Logistics Support (ILS) authorization will be accomplished as described in paragraph 15.c. Employment termination notification should also be provided in accordance with paragraph 14.a.

(2) BUR contracts: In general, the procedures are identical to 5.c.(1) above, with exceptions as noted below. Although the Exchange of Notes did not require that BUR contracts be notified to (and approved by) the German authorities, the provision of information for such contracts is triggered by exercise of option years or modifications made to these contracts, and the necessity of requesting extension of ILS for approved TEs. As of 1 May 2001, CORs are to complete a Contract Information Form (Enclosure 2) and submit a copy of relevant portions of the contract, as described in 5.a.(1), when exercising an option year or otherwise materially amending the BUR contract. This information will be forwarded to the responsible Land as **information** copy only, since no formal approval or disapproval was or is required of BUR contracts. Enclosure 2 can also be found on the DOCPER website under Forms.

d. Modifications: All modifications that materially amend the terms of a contract by increasing or decreasing the scope of work, or by extending the term of a contract should be submitted to DOCPER in a prompt manner. A copy of any modification that extends the period

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of performance for a contract must be provided to DOCPER. DOCPER will not issue individual accreditations until after DOCPER has received a copy of the modification. If applicable, renewal of ILS authorization will be accomplished as described in paragraph 15.c. Please note that the infrequent practice of assigning a new contract number to exercise an option under an existing contract, while unlikely to require re-accomplishment of the contract notification and the individual accreditation process, will require notification and coordination with German state government authorities.

e. Approval Process: The contract package approval process is expected to take about eight (8) weeks. DOCPER's review of the contract notification package and submission, if appropriate, to the responsible German state government authorities can take up to three (3) weeks. The German authorities are expected to provide written concurrence or non-concurrence within five (5) weeks. If no response is received from the German authorities within that period, concurrence is presumed by DOCPER.

f. Notification Process: Upon receipt of concurrence or non-concurrence from German state government authorities or in instances of constructive acceptance (no response within 5 weeks), DOCPER will notify the COR. NOTE: Contract approval indicates that the contract itself has been approved and that at least one job may qualify, not necessarily all jobs.

## 6. Contract Notification for Troop Care Contracts:

a. Nature of Notification and Approval: Under the Exchanges of Notes for Article 72 Troop Care (and Analytical Support services), notification and approval of each contract are accomplished through a separate Exchange of Notes (also called Note Verbale, or NV) between the U.S. Embassy and the German government through the German Foreign Office (GFO), or Auswärtiges Amt der Bundesrepublik Deutschland.<sup>2</sup> The NV established for each contract grants "enterprise approval" to the firm carrying out the services described in the contract. Thus, the services and the "enterprise" offering those services constitute the subject of an international agreement. This is a different process from the contract notification and approval process for TE contracts under Article 73. The U.S. Forces must ensure that the provisions of the NV governing each contract are followed, at the risk of violating an international agreement to which the U.S. government is a signatory.

b. Process: To initiate the contract notification process for TC/AS contracts, the KO or COR completes the Contract Notification Form (Enclosure 1). The form can also be found at the DOCPER website under Forms. (This is the same form used for TE contracts). The Contract Notification Form and the contract must be submitted to DOCPER as early as possible during the acquisition process, AND no later than contract award. Other required enclosures include all parts of the contract relevant to contract performance in Germany (e.g., Performance Work Statement, Job Descriptions with qualification requirements). DOCPER requires the Contract Notification Form and the appropriate enclosures in hardcopy duplicate. (NOTE: Since approval of TC contracts is done at the German federal level, additional copies for each German state are not required. The GFO coordinates directly with the German states.)

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<sup>2</sup> To avoid confusion, the convention of using the acronym "NV" to refer to an Exchange of Notes on individual "Troop Care" or "Analytical Support Services" contracts has been adopted. The term "Exchange of Notes" is reserved for the implementing agreements for Articles 72 and 73.

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(1) TC Providers: The contract should refer by name to the specific professions or categories of TC providers listed in paragraph 1 of the Exchange of Notes implementing Article 72 TC. In the case of certain Information Technology (IT) providers in the Troop Care arena, reference should be made to the IT list found on the DOCPER website under Troop Care.

(2) Numbers of TC Providers: Each NV includes as an attachment the numbers and types of TC providers by location. These numbers are based on the information provided on the contract notification form. Exceeding the number of TC providers violates the NV. Therefore, once the NV is approved, any proposed increases to the number above those stated in the contract notification form should be reported to DOCPER along with appropriate contract documents identifying the change. DOCPER will work with the U.S. Embassy and GFO to update the NV.

c. Solicitations: Not relevant for approval of Article 72 contracts.

d. Options and Modifications: For Article 72 TC option exercises, the guidance under 5.c. and 5.d. above applies. For Article 72 TC contract modifications or delivery/task orders extending the duration of services, the KO or COR must furnish DOCPER with the new information not later than three weeks prior to expiration of the previous contract or delivery/task order. NOTE: Draft orders or letters of intent from the KO will be accepted but must be followed by finalized documents as soon as they are available. DOCPER will communicate the extension through the U.S. Embassy to the GFO within one week via a NV. Renewal of ILS authorization will generally be accomplished as described in paragraph 15.c. except DOCPER will not issue an accreditation memorandum for the employees continuing on the contract or delivery/task order until after approval has been received from the GFO and individual approval has been received from the German state government authorities. In these cases, German state government approval is done informally between DOCPER and those authorities, and generally does not require new applications.

e. Approval Process: Timelines for the development of a NV approving a new TC contract are not specified in the Exchange of Notes implementing Article 72. In general, however, the approval process for a TC NV takes between 2-8 weeks.

f. KOs/CORs may view the DOCPER website to learn when contract/enterprise approval was achieved. DOCPER generally updates the website with this information on a monthly basis.

#### 7. Contract Notification for Analytical Support Contracts and "Mixed" TE/AS Contracts:

a. Nature of Notification and Approval: The process for AS contract notification is the same as that for TC contracts in 6.a. above. The NV established for each AS contract grants "enterprise approval" to the firm carrying out the services described in the contract. The services and the "enterprise" constitute the subject of an international agreement.

b. Process: To initiate the contract notification process for AS contracts, the same process identified for TC contract in 6.b. above will be followed. (NOTE: See 7.f. below for "mixed" contracts, supporting performance of both TE and AS workers).

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(1) AS Personnel: The contract should refer by name and number to the specific professions or categories of AS personnel listed in Appendix of the Exchange of Notes implementing Article 72 AS.

(2) Numbers of AS Personnel: Same as 6.b.(2) above.

c. Solicitations: Same general process identified in 5.b. for TE contracts. Information will be used to inform responsible German authorities of the upcoming contracts, particularly in cases of successor contracts.

d. Options and Modifications: For Article 72 AS option exercises, the guidance under 5.c. and 5.d. above applies. For Article 72 AS contract modifications or delivery/task orders extending the duration of services, the guidance under 6.d. above applies.

e. Approval Process: Same as 6.e. above.

f. If a contract is "mixed," i.e., supports performance of both TE and AS work, the contract notification package should be submitted in accordance with paragraph 5, but both processes identified in paragraphs 5 and 7 will apply. The German state government authorities will render decisions on contractual provisions pertaining to Article 73 TE and the GFO is responsible for "enterprise approval" under Article 72 AS. Thus, notification takes place on independent and parallel tracks.

## 8. TC/TE/AS Applicants

a. Application for accreditation for TCSA/TESA/ASSA should be made by contractor employees in the following circumstances:

(1) New TC/TE/AS applicants proposed for hire under newly-awarded or existing contracts.

(2) Employees previously accorded status under a contract and who intend to change jobs or positions, either under that same contract or a different contract, must be accredited under the new job or position.

(3) Employees previously accorded status under an expired or expiring contract and who intend to work on the newly-awarded successor contract.

(4) Employees previously accorded status under an expired or expiring order and who intend to work on the newly-awarded successor order (See exceptions for certain Article 72 TC and AS employees.)

(5) Exceptions:

(A) Current TC/AS employees under newly awarded successor orders that have replaced expired orders under which the applicant held TCSA/ASSA status: When a follow-on order is awarded against the same contract as the predecessor order, using the same statement of work and the same personnel, new TCSA/ASSA applications are generally unnecessary PROVIDED the paperwork is handled in a timely manner in accordance with

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paragraphs 6.d. and 7.d. above. Applications are required only for personnel who will be performing jobs other than the one for which they have been previously accredited. NOTE: If the follow-on order is awarded against a different contract, new applications will be required for all personnel.

(B) *Option exercises are not considered newly-awarded contracts and thus do not require new applications.*

b. Contractor employees seeking accreditation must complete a TC/TE/AS status accreditation application (Enclosure 3)<sup>3</sup>, and submit it with the additional documents noted below, in hardcopy duplicate, to their COR. This application can also be found at the DOCPER website under Forms. In addition to the application form, the following documents, also in hardcopy duplicate, must be submitted:

(1) Job Description: This is a detailed description of the duties and knowledge/skills/education requirements with special emphasis on experience and military skills, if appropriate, necessary for the work to be performed.

(2) Employment Contract: The copy of the employment contract must show the dates and signatures of both employer and employee. An offer letter with the same information may be substituted.

(3) Curriculum Vitae (CV) or Resume: A CV or resume must be signed and dated by the employee. It is strongly recommended that the CV fully describe an applicant's professional background and list an applicant's employment history by dates and location (city and state, or, if outside the USA, city and country).

(4) Education and Training: Technical Expert and Analytical Support personnel must provide the name and description of educational establishment, description of the qualifications obtained and the attendance dates. (This information may be incorporated into the CV.) Similarly, Troop Care personnel must provide copies of professional degree, diploma, transcripts or certificates and licenses relevant to the job.

9. Submission of Individual Applications: The COR must submit the application package, in hardcopy duplicate, to DOCPER. For newly-awarded contracts, submission of applications should follow contract approval; however, when necessary, and in the interest of time, DOCPER will accept and process contracts and applications concurrently. NOTE: Applications for TC/AS personnel, however, will not be forwarded to the German state government officials until after enterprise approval has been received. The application package must include the following documents:

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<sup>3</sup> An on-line version of the TCSA/TESA/ASSA application is being developed. Nevertheless, the requirement that the forms be signed by the applicant dictates that hardcopy versions will still be required, even if the on-line version of the application is used. Once the on-line version is available, DOCPER recommends that the completed on-line version be printed out, signed and submitted. CORs and contractor employees should keep abreast of any changes in these processes by checking the DOCPER website.

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a. Completed Application.

b. Endorsement Letter:

(1) General: The COR endorses the application with a request memorandum (Enclosure 4) bearing the original signature of the COR from the sponsoring command/activity. The memorandum can also be found at the DOCPER website. By endorsing the accreditation applications with the request memorandum, the COR certifies that the information and documents provided by the contractor meet the requirements in paragraph 8.b. above.

(2) Contractor employees who will begin work at some future but undetermined time: If an applicant is being submitted for accreditation in anticipation of working in Germany at some future but undetermined time, the applicant must note this fact on the application. DOCPER will also communicate this information to the Laender authorities so that a local German address is not expected within 120 days of accreditation approval. If approved, an accreditation letter authorizing the ID card and associated privileges will not be issued until DOCPER is provided employee arrival/start dates, at which time an accreditation letter will be issued for the length of the current period of performance, or for 120-days if no local German address is available. CORs should include on the endorsement memorandum the following statement: "The starting date for this applicant to commence work in Germany has not been determined. Accordingly, an accreditation letter is not required. This office will notify DOCPER two weeks prior to commencement of work in Germany to request issuance of an accreditation letter for the length of the current period of performance, or for 120-days if no local German address is available." NOTE: Although not physically in Germany, the applicant *encumbers a position* designated for accredited personnel on the contract.

c. Contract Information: A copy of the signed first page of the applicable contract, sections of the contract stating the relevant performance period, and sections of the contract including skills classification and wage/salary categories.

10. TCSA/TESA/ASSA Notification:

a. Review Process: The review of individual applications by DOCPER can take up to four (4) weeks. DOCPER may deny accreditation for applicants if the job does not qualify for TC/TE status or if the individual is "ordinarily resident" in Germany or does not possess the requisite technical/military skills and knowledge. Applications found by DOCPER to meet the criteria set forth in the Exchange of Notes will be forwarded to the responsible German state authorities for their concurrence. The German authorities are expected to either concur or non-concur, in writing, within four (4) weeks. If no response is received from the German authorities within six (6) weeks, concurrence is presumed by DOCPER. Thus, the total processing time for individual applications can take up to ten (10) weeks after receipt by DOCPER.

b. Notification Process:

(1) Upon denial by DOCPER, DOCPER will notify the COR through a written denial memorandum within ten (10) business days of completion of review.

(2) Upon receipt of concurrence from German authorities, DOCPER will issue a TESA memorandum to the COR within ten (10) business days.



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(3) Upon receipt of non-concurrence from German authorities, DOCPER will:

(A) Issue a denial memorandum within ten (10) business days to the COR,  
or

(B) Notify the COR in writing of the DOCPER decision to request reconsideration within ten (10) business days of the receipt of non-concurrence from German state government authorities.

(4) Denial memoranda indicate only the general basis for denial. The three most common bases for denial are: the position or job does not meet the requirements for accreditation under Article 72 or 73; the experience and training of the applicant are not sufficient for accreditation; or the applicant was deemed "ordinarily resident." CORs wishing to discuss the basis for the denial in more detail should request further detail from the responsible DOCPER staff, in writing, either by mail or e-mail.

c. Reconsideration Process: Requests for reconsideration of individual applicants must be made by DOCPER to the German authorities within four (4) weeks (20 business days) of receipt of non-concurrence.

(1) If DOCPER notifies the COR of the intent to request reconsideration, additional supporting information must be provided to DOCPER within five (5) business days in order to allow time for review and preparation of written material for submission.

(2) If DOCPER has not notified the COR of the intent to request reconsideration, the COR may request reconsideration of the DOCPER decision and, if DOCPER concurs, additional supporting information must be provided to DOCPER within five (5) business days in order to allow time for review and preparation of written material for submission.

11. Request for TESA for Classified Work: The contract notification, TESA applications and request memorandum must contain the same information and documents described in paragraphs 5 or 7, 8 and 9 above. However, the information and documents (Job Title, Job Description, Skill/Knowledge Requirements, and Employee CV) may be "sanitized," provided they remains adequate for TESA/ASSA purposes. . For example, the CV need not give specifics of location if location of work is classified. For contracts and applications, the sponsoring command headquarters must certify the classified nature of the contract work and specific position(s). *NOTE: A requirement that an individual have a security clearance does not, in and of itself, justify TE status. The employee must otherwise qualify as a TE.*

12. Requests for Military Exigency (ME):<sup>4</sup>

a. Article 73 TE: In cases of military exigency, paragraph 8 of the Exchange of Notes implementing Article 73 allows DOCPER to grant conditional accreditation as a technical expert, pending notification and consultation with German state government authorities. A memorandum request for military exigency should be signed by an individual in the rank/grade of at least an O-6 or GS-15 and describe why the work is mission critical, what exigent

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<sup>4</sup> Applicable to TESA and ASSA applications only, not TCSA applications.

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circumstances exist, and what precludes submission of the application through normal procedures. A template for the ME request memorandum (Enclosure 5) also can be found at the DOCPER website under Forms. Contract notification must be done prior to, or concurrent with, submission of the ME and a complete accreditation request package, as described in paragraphs 5 or 7, 8 and 9 above, should be submitted at the time the ME request is made. The signed application and the acceptance of the offer letter should be dated within two weeks of submission to DOCPER.

b. Article 72 AS: In cases of military exigency, paragraph 6 of the Exchange of Notes implementing Article 72 AS allows DOCPER to grant conditional accreditation as a provider of AS services *only after* the GFO has granted enterprise approval. Other guidance in 12.a. above applies.

### 13. Short-Term Temporary Duty (TDY) in Germany:

a. TDY for Non-TEs ("fax-back"): An arrangement has been reached with the Federal Ministry of Labor (FMoL) to allow DoD contractor employees to enter Germany with a minimum of bureaucratic delay to work in a TDY status for periods not to exceed 90 days. The process is generally referred to as the "fax-back" procedure (formal name: "Request for Confirmation of Exemption from the Requirement to Obtain a Work Permit"). Contractor employees under this arrangement will fall into one of three exemptions to the German Work Permit Ordinance. ***Contractor employees who arrive in Germany under this procedure will not be issued an ID card, and will not receive logistical support.*** Furthermore, the process may not be used for TC personnel or to support other contractor personnel traveling to or working in Germany while awaiting accreditation approval. This process will cover AS personnel who fit one of the exemptions (primarily related to equipment). However, an exemption may not be granted in every case.

(1) This arrangement exempts contractor employees from the requirement to obtain a work permit, ***provided*** an exemption has been granted by the Landesarbeitsamt (LAA) Baden-Wuerttemberg in Stuttgart ***prior*** to arrival and commencement of work in Germany (i.e., ***before*** the employees depart CONUS or other location for Germany).

(2) Should a contractor employee's presence in Germany exceed 183 days in a calendar year, he or she will be subject to income tax liability by the German government. However, the effects of international agreements regarding double-taxation must also be considered. Although each period stands on its own for purposes of an exemption for a work permit, multiple TDYs will be combined for purposes of income taxation by German authorities. Contractor employees working in Germany under this procedure for any length of time should consult a tax advisor.

(3) A description of the "fax-back" procedure by which a contractor can obtain an exemption from the work permit and the exemption request form can be found at the DOCPER website.

(4) DOCPER does not administer this process. DOCPER's only involvement is to review the forms provided by the LAA in Stuttgart on a regular basis to ensure that those using the "fax-back" procedures are not contractor personnel traveling to or working in Germany while awaiting accreditation approval.

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b. TDY for TE-approvable Contractor Employees ("TESA TDY"): By informal agreement with the responsible German authorities, DOCPER may grant unilateral TESA status for individuals working under *previously-approved contracts and previously-approved positions only*, not to exceed a cumulative period of 90 days or three (3) instances within a 12-month period. This process is called "TESA TDY." A short accreditation application (Enclosure 6) can be found at the DOCPER website under Forms. DOCPER's review of this application can take up to five (5) business days. The process is *not* intended to support contractor personnel traveling to or working in Germany while awaiting TESA approval.

(1) Contractor employees seeking TE accreditation under this procedure must meet the prerequisites (previously-approved contracts and previously-approved position), complete the TESA TDY application, and submit it to their COR for signature endorsement. CORs, in turn, may fax the application to DOCPER, DSN 375-2036 or commercial from CONUS 011-49-621-487-2036. (DSN calls from CONUS require dialing 314 as a prefix.) TESA TDY applications should be submitted to DOCPER no more than 30 days prior to proposed travel dates.

(2) Individuals may not commence work in Germany until after DOCPER has reviewed the accreditation application, and has granted accreditation to the technical experts under this procedure. If granted, accreditation will be limited to the estimated length of stay noted on the application but not to exceed 90 days. NOTE: If stay is less than 30 days, accreditation paperwork will reflect 30 days, the minimum period for which an ID card may be issued.

(3) If accreditation is not granted, the "fax-back" procedure described in paragraph 13.a. may be followed.

#### 14. Required Notifications:

a. Employment Termination (Enclosure 7): The COR must provide DOCPER and 1<sup>st</sup> PERSCOM with written notification of the termination of contractor employee employment within 10 business days. This memorandum is also applicable when a contract expires and the contractor employees do not continue employment. A sample memorandum can be found at the DOCPER website under Forms. If an individual terminates (or the contract is terminated), the COR is also instructed to collect and turn-in the ID cards of affected individuals to the local ID card facility.

b. Employment Offer Declined (Enclosure 8): The COR must provide DOCPER with written notification of a contractor employee's decision to decline employment, for which he/she submitted an accreditation application, within 10 business days. A sample memorandum can be found at the DOCPER website under Forms.

c. Change of Duty Station (Enclosure 9): The COR must provide advance notification to the DOCPER of any permanent reassignment of a contractor employee in the same accredited position, involving a change of duty station to a different German state. A sample memorandum can be found at the DOCPER website under Forms.

d. Option years: See paragraph 5.c., above, for specific instructions.

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15. Individual Logistic Support (ILS) Authorization/Renewals:

a. Initial ILS Authorization:

(1) Contractor employees starting work immediately: When an accreditation application has been approved, DOCPER will provide authorization (through the COR) for the contractor employee to receive ILS and to be issued a DD Form 2765 (Uniformed Services Privilege and Identification (ID) Card). Initial ILS authorization will only be granted for the base (or current) period of performance. ILS authorization will not be granted for periods beyond the base (or current) performance period, nor for more than four (4) years. *Moreover, if the accreditation application does not contain a local home address in Germany, the initial ILS authorization will be limited to a 120-day period, pending provision of the local address to DOCPER.* (The Exchange of Notes requires communication of a home address in Germany to the German authorities). Renewal of ILS authorization will be accomplished as described in paragraph 15.c. below.

(2) Contractor employees who will begin work at some future but undetermined point in time: If an applicant has been approved for accreditation in anticipation of working in Germany in the future, DOCPER will not provide immediate authorization for the contractor employee to receive ILS. The accreditation letter granting the ID card and associated privileges will be issued once the COR provides DOCPER with the employee arrival/start dates, at which time an accreditation letter will be issued for the length of the current period of performance, or for 120-days if no local German address is available. The COR should notify DOCPER two weeks prior to commencement of work in Germany to request issuance of an accreditation letter.

b. Upon verification of the contractor employee's accredited status, the COR is authorized to issue a letter of ILS Authorization/Renewal (a template for the COR memorandum to the ID card facility can be found on the DOCPER website) in the following situations:

(1) Replacement of lost, stolen, or mutilated ID Cards for the employee and/or family members: The contractor must prepare a request for ILS replacement and submit it to the COR. The request will include a statement from the contractor explaining the circumstances surrounding the loss, theft, or mutilation of the ID card. This statement must also include the date the loss or theft was reported to military police authorities and the location where reported.

(2) Issuance of new ID cards to eligible family members. The request will include proof of family dependent(s) relationship.

c. Renewal of ILS for periods of performance beyond the current contract performance period: When the contract performance period is extended, the COR must follow the contract notification procedures in paragraphs 5.c. and 5.d. above. The COR is responsible for providing DOCPER with documentation indicating that contract performance has been extended, such as through the exercise of an option, or alternatively, when there is a notice of intent to exercise an option. The COR must notify DOCPER of contractor employees requiring ILS renewal and certify that the contractor employees are currently employed under the same contract in the same accredited TC/TE positions. The COR must also provide evidence of contract extension,

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or the intent to extend.<sup>5</sup> A sample memorandum (Enclosure 10) also can be found at the DOCPER website under Forms. Following receipt of proper documentation, DOCPER will provide authorization for ILS and an Identification Card for the additional contract performance period.

16. Information provided to DOCPER will be safeguarded as required by the Privacy Act, 5 United States Code § 552a and will be used by DOCPER as a basis for determining eligibility for accreditation as a provider of troop care/technical expert/analytical support services under the provisions of Articles 72/73 of the NATO SOFA Supplementary Agreement.

17. HQ USAREUR POCs are Ms. Doreen DeBenedictis, [ddebenedictis@chrma.hqusareur.army.mil](mailto:ddebenedictis@chrma.hqusareur.army.mil), and Ms. Sherre Ingle, [single@chrma.hqusareur.army.mil](mailto:single@chrma.hqusareur.army.mil). DOCPER's mailing address is: DoD Contractor Personnel Office (DOCPER), HQ USAREUR/7A, Unit 29150, APO AE 09100.

FOR THE DEPUTY CHIEF OF STAFF, PERSONNEL AND INSTALLATION MANAGEMENT:



ALICE WARD  
Acting Director of Civilian Personnel  
United States Army, Europe

10 Enclosures  
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<sup>5</sup> If ILS extension is based on intent to exercise an option, the COR should as soon as possible provide evidence that the option was in fact exercised.